




306.00 USE OF FORCE

306.01 PHILOSOPHY

- A. The use of force by police officers is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to lawful control, and that officers may be called upon to use force in order to perform their duties and protect themselves and others against assaults from resistive or violent individuals. The use of reasonable force, when warranted, is permitted by law and is an affirmative duty and responsibility of police officers [Graham v Connor, 490 US 386, (1989)]. Conversely, the unreasonable use of force is contrary to law and places the representative government agency in a position of civil liability, and the officer in jeopardy of civil and criminal liability, as well as disciplinary action. Given that no policy can realisti-

cally predict every situation an officer might encounter, each officer must be entrusted with well-reasoned discretion in determining the appropriate response in each incident.

- B. A reverence and respect for the dignity of all persons and the sanctity of all human life shall guide all training, leadership, and direction as well as guide officers in the use of force. Members of law enforcement derive their authority from the public; and therefore, must be ever mindful that they are not only the guardians, but also the servants of the public.
- C. The legal standard used to determine the lawfulness of an officer's use of force is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances as they existed at the time of the action. An officer's actions are considered lawful if a reasonable officer could have believed the action to be lawful in light of clearly established law and the information the officer possessed at the time of the action. [Graham v Connor, 490 US 386, (1989)].

306.02 STIPULATIONS

- A. These guidelines are intended for internal department use and have not been developed to be applied in any civil or criminal proceeding, nor are they intended to create a higher legal standard of safety or care with respect to third parties. A violation of these rules will be grounds for administrative discipline only, while a violation of the law may be the basis for civil or criminal penalties imposed by a court of law.
- B. The provisions of this order are applicable to all regular and reserve officers acting in their capacity as a police officer.

306.03 DEFINITIONS

- A. Force is defined as the compulsion or restraint exerted upon or against a person for the purpose of
 - 1. Compelling a person to comply with an officer's direction; or
 - 2. Overcoming resistance by a suspect during arrest or detention; or
 - 3. Defending any person or yourself from an aggressive action by a suspect or another which represents a threat of physical injury or death.
- B. Deadly force is any force that is reasonably likely to cause death or serious physical injury.
- C. Control for the purposes of this section, is defined as the actual physical control of a subject that allows for the completion of a lawful arrest.
- D. Choke holds are the intentional use of any technique or device that applies pressure to a person's throat or trachea area in a manner that restricts their airway or ability to breath.
- E. Neck-restraining techniques are the intentional use of any techniques or device that applies pressure to a person's lateral neck area in a manner that restricts vascular blood flow likely to result in unconsciousness.

306.04 FORCE OPTIONS

It is important to note that actions by an officer shall be predicated by the actions of the subject. Under no circumstances will the force used by an officer be greater than necessary to make an arrest or a detention or to protect oneself or another, nor will the force be used longer than necessary to subdue the suspect, and deadly force shall not be used except as specifically provided in this directive. The Department's training materials on use of force are hereby incorporated as if fully set forth herein.

- A. During a police contact a subject may be:
 - 1. Compliant: submits to the authority and direction of the police.
 - 2. Non-Compliant
 - a. Passive Non-Compliance: physical behavior that hinders and officer's attempt to make the arrest or the detention but does not represent an immediate or potential threat to the officer or to a third party. Examples include, but are not limited to, the subject remaining limp or unresponsive to verbal commands; however, the subject's behavior does not escalate to active non-compliance.
 - b. Active Non-Compliance: physically active movements that impede an officer's attempt to control, or actions that present, or could present an immediate or potential threat to the officer or a third person. Examples include, but are not limited to, bracing, tensing, pushing, pulling away from officer, verbal threats, fleeing, or actions that reasonably demonstrate intent to commit an overt act of aggression or assault toward the officer or to a third party, or attempting to use, or the use of, deadly force.

- B. In response to the above situations, officers shall be guided in the use of force as follows:
1. Officer Presence - Recognition of authority through a uniformed presence, marked police vehicle, identifiable police markings, logo, badges, police credentials, or verbal identification. Excludes physical force.
 2. Verbal Commands - Commands of direction or required compliance.
 3. Weaponless Strategies - Techniques designed to gain compliance through weaponless strategies and open hand control techniques.
 4. Weapon Strategies - Techniques designed to gain compliance through the use of a departmentally approved control device.
 5. Deadly Force- is any force that is reasonably likely to cause death or serious physical injury.

306.05 USE OF DEADLY FORCE

- A. The use of deadly force is authorized only when it is necessary for officers to protect themselves or others from an immediate threat of death or serious bodily injury. Justification for the use of deadly force shall be limited to the facts known or reasonably perceived by an officer at the time the incident occurs.
- B. Regardless of the nature of the crime or the justification for the use of deadly force, officers must at all times remember their basic responsibility is to protect the public. Therefore, except to preserve life or to prevent serious bodily injury, officers shall not fire their weapon under circumstances that would subject other officers, bystanders, or hostages to death or possible injury. Firing a weapon under such conditions is not justified unless the failure to do so at the time would create a substantially greater and immediate threat of death or serious bodily injury.

306.06 REPORTING USE OF FORCE INCIDENTS

- A. All use of force incidents which result in injury to any person involved, involves the use of a physical control method that includes a strike or the grounding/takedown of a subject, or any use of a weapon to control a subject shall be reported and identified as
1. "Use of Force"
 - a. Officers shall report the full details of the use of force in related arrests or offense reports. If no arrest or offense report is to be completed, the details shall be reported in an incident report. A separate administrative report will be completed by the supervisor and electronically forwarded through the officer's chain of command to be reviewed.
 - b. All reports which detail a use of force incident shall be completed prior to the end of watch.
 2. Deputy Chiefs shall review each use of force report to determine if there is a need for changes in departmental procedures, additional training for the officer, and/or a referral to the department psychologist. Deputy Chiefs shall take appropriate action based on the basis of their determination. All incidents that rise to the level of a Critical Police Incident (CPI) should be referred to the Assistant Chief level or the Chief for review.
 3. All Use of Force reports will be forwarded to the Training Division for review. The purpose of this review will be to ensure the Training Division has the most current information available as it pertains to training methods and curriculums. Requests for Training Division evaluation of a specific Use of Force incident shall be directed to the Director of the Training Division or their designee.
 4. Assistant Chiefs shall conduct periodic audits to ensure the objectives of management review are being met.
 5. It is recognized that exigent circumstances may occur requiring an officer to use a weapon or device that is outside of current policy. Any use by an officer of a weapon or device not on the departmentally approved weapons list, shall be considered for reporting as a Critical Police Incident and handled in accordance with General Order 356.00.

306.07 USE OF FORCE TRAINING

- A. The Police Department's training manual outlines the appropriate use of force techniques approved for use by officers. Officers are prohibited from using choke holds and other types of neck-restraining techniques except when protecting themselves or others against an imminent threat of serious bodily and death.
- B. When officers must protect themselves or others against imminent threat of serious bodily injury or death, any type of weapon or technique may be utilized.

- C. All commissioned officers of the rank of lieutenant and below and all reserve officers shall qualify annually in the department approved baton, chemical agent, conducted energy device, and open-hand control training program. Failure to demonstrate qualification standards in practical and written examinations will result in scheduling of remedial training with a certified control tactics instructor, after which a retest will be given. Failure of the retest will be considered as neglect of duty and may subject an officer to termination of employment, and a reserve officer to disqualification from the reserve program for failure to maintain an acceptable level of performance.

NOTE: Requirements for firearms qualification are outlined in General Order 202.02, Firearms Qualification.

- D. It shall be the responsibility of the Training Division captain to ensure appropriate training is developed and offered annually. The captain shall also ensure appropriate documentation of training and certification is entered in each officer's personnel file.
- E. In the event of changes in training regarding the use of force, the Training Division shall notify Internal Affairs, in writing, of all such changes prior to their implementation.
- F. It shall be the responsibility of all supervisors to ensure their personnel attend the appropriate training.

